IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1852 (SS) of 2005

Ram Kumar Sharma,
S/o Sri Jai Gopal Sharma,
R / o 524 Ram Nagar, Roorkee,
District – Hardwar. **……Petitioner.**

Versus

1. Commissioner, Central School Sangthan, 18, Institutional Saheed Jeet Singh Marg, New Delhi.

2. Assistant Commissioner, Central School Sangthan, Regional Office, Salewale, Hathibarkala, Dehradun.

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard learned counsel for the petitioner and learned Standing Counsel for respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *to issue the writ, order or direction in the nature of Certiorari to quash the impugned order dated 19.07.2005 passed by respondents contained in Annexure No. 17.*

2. *to issue the writ, order or direction in the nature of Mandamus commanding the respondents to sanction voluntary retirement and to pay all retiremental benefits to the petitioner.*

3. *to issue the writ, order or direction in the nature of Mandamus commanding the respondents to pay pensionary benefits after completing 20 years services as provided under Rules*

4. *to issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*

5. *Award the cost of the writ petition to the petitioner. .*

Petitioner was appointed as TGT (Science) on 26.07.1979 in Kendriya Vidyalaya Sangathan. On being selected as Principal, Janta Inter College, Saharanpur petitioner went on leave from Kendriya Vidyalaya Sangathan for two years and served Janta Inter College during this period. Thereafter, petitioner moved application before Commissioner, Kendriya Vidyalaya Sangathan, New Delhi stating therein that he is unable to serve the Kendriya Vidyalaya Sangathan, consequently, he is seeking voluntary retirement from his services. He has further prayed that since he was regular employee of Kendriya Vidyalaya Sangathan and served for 20 years, as such, he is entitled to get pension, gratuity and other retirel benefits but the same was not paid to him by the respondents, consequently, he preferred present writ petition.

Respondents have filed counter affidavit. In para 7 of the counter affidavit, respondents have stated that there is Government Order dated 30.12.1998, notification no. 11017/7/94 (Vol. III) by which jurisdiction of all the matters relating to Kendriya Vidyalaya Sangathan has been given to Central Administrative Tribunal.

Since Central Administrative Tribunal has jurisdiction to decide the matter of Kendriya Vidyalaya Sangathan, writ petition is dismissed on the ground of alternative remedy. Petitioner may approach Central Administrative Tribunal for redressal of his grievance. Interim Relief Application No. 11232 of 2005 is rejected accordingly.

(M.M. Ghildiyal, J)

February 26, 2007
SKSharma